

In re Application of: Reich et al  
Serial No.: 10/700,588  
Filed: November 5, 2003  
Office Action Mailing Date: May 15, 2008

Examiner: Timothy J. Dole  
Group Art Unit: 2831  
Attorney Docket: 26749

### **REMARKS**

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 36-43, 45, 49-53, 134-141, 143 and 147-181 are in this Application. Claims 1-35, 44, 46-48, 54-133, 142 and 144-146 have been cancelled. Claims 36-53 and 134-151 have been rejected. Claims 44-48 and 142-146 have been objected to. Claims 36, 45, 134 and 143 have been amended. New claims 152-181 have been added.

#### **Allowable Subject Matter**

The Examiner deems that claims 44-48 and 142-146 are directed to allowable subject matter.

Claim 36 has been amended to include the limitation of now cancelled claim 44. In view of this amendment, claim 45 has been amended to depend directly from claim 36.

Claim 134 has been amended to include the limitation of now cancelled claim 142. In view of this amendment, claim 143 has been amended to depend directly from claim 142.

New claim 152 includes all the limitations of original claims 36 and 46.

New claim 167 includes all the limitations of original claims 144.

#### **35 U.S.C. § 102 Rejections**

The Examiner maintains the rejection of claims 36-43, 49-53, 134-141 and 147-151 under 35 § U.S.C. 102(b).

While traversing the Examiner's rejection, and in order to expedite prosecution of this case, claims 36 and 134 have been amended to include the limitation that the fluid channel is an HPLC column.

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It is submitted that Reich et al. do not anticipate or render obvious claims 36 and 134 since Reich et al. do not teach or imply a device or method for monitoring of fluid locomotion in an HPLC column using capacitor where capacitance changes represent the location of the fluid.

In view of the above amendments and remarks it is respectfully submitted that independent claims 36, 134, 152 and 167, as well as dependent claims 37-43, 45, 49-53, 135-141, 143 and 147-151, 153-166 and 168-181 which depend directly or indirectly from independent claims 36, 134, 152 and 167 are in condition for allowance. A prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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Date: August 11, 2008

**Enclosure:**

- Additional Claims Transmittal Fee